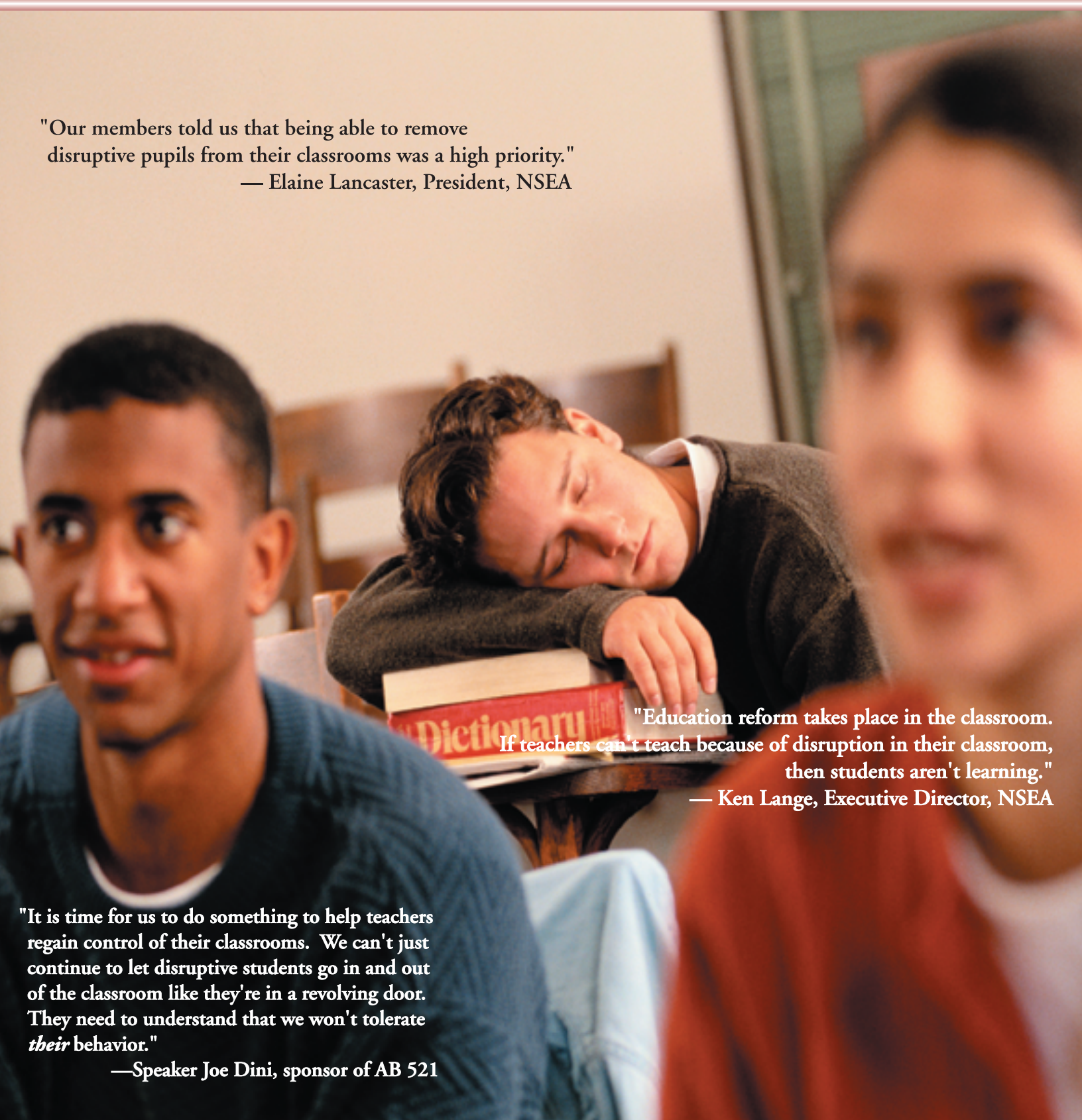


An Important Message
to NSEA Members
about Student Discipline

Nevada State Education Association
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"Our members told us that being able to remove disruptive pupils from their classrooms was a high priority."
— Elaine Lancaster, President, NSEA



"Education reform takes place in the classroom. If teachers can't teach because of disruption in their classroom, then students aren't learning."
— Ken Lange, Executive Director, NSEA

"It is time for us to do something to help teachers regain control of their classrooms. We can't just continue to let disruptive students go in and out of the classroom like they're in a revolving door. They need to understand that we won't tolerate *their* behavior."

—Speaker Joe Dini, sponsor of AB 521

Student Discipline & Teaching

In a poll taken last February, 70 percent of NSEA members who were polled said that being able to **remove disruptive pupils from the classroom was a high priority**. NSEA asked Assembly Speaker Joe Dini to sponsor AB 521, which was eventually passed and signed into law by Governor Guinn in June.

Education reform was a priority of the legislature in 1997, and they enacted higher academic standards, student assessments, and school accountability and technology standards. The emphasis was now going to be making sure all students learn at higher levels. But, there was no discussion about the reality teachers and paraprofessionals face in the classroom—students who do not behave in a manner conducive to teaching and learning, and the ability to deal with discipline problems.

NSEA got this bill through the legislature with the help of the many members who called or wrote to their legislators expressing their support and the need for the bill. Several members testified in detail of their frustrations in sending disruptive pupils out of the classroom only to have them sent right back in—many times with nothing having been done to address that child's behavior.

Education reform takes place in the classroom, and if a child is acting up and disrupting the class, there is little learning taking place.

NSEA decided it was time to give *teachers* the authority to remove disruptive students.

The Nevada Legislature agreed.

What you should know about...

The

Student Discipline Bill

NSEA wants all members to be aware of the provision of AB 521. The bill represents a **legally authorized shift in authority** from administrators to teachers in making some decisions about students. The provisions of the bill must be implemented at each school and this provides an opportunity for members to be involved in the implementation of the bill.

The bill also creates a pilot program to establish alternative settings in 8 schools that don't already have them. The State Department of Education will conduct a study of these pilot programs to determine the actual cost and the effectiveness and report back to the next legislature.

Specifically the bill provides that:

- 1** The principal of every school, with the input and participation of teachers and parents of students who are enrolled in the school, **must establish a plan for progressive discipline of students.** The plan must also provide for the temporary removal of a pupil from the classroom in accordance with the provisions of AB 521.
- 2** The pupil **must be removed** from the class *"if, in the judgement of the teacher, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and the ability of the other pupils to learn."*
- 3** Once the teacher has made this decision, the pupil must be assigned to a temporary alternative placement in which his studies will continue but he is separated from other pupils. **The student cannot just be sent back into your classroom after a meeting with the principal.**
- 4** Once the pupil has been placed in this alternative setting, within three days there must be a conference with the pupil, the parent, the teacher and the principal. During the conference, the teacher must provide the pupil and the parent with an explanation of the reason for removal.
- 5** After the conference, the principal will decide whether to return the pupil to the classroom or to continue the alternative placement.
- 6** If the decision is to return the pupil to the classroom, **and the teacher does not agree**, a committee will review the situation and decide if the pupil should be returned to the classroom, be assigned to another classroom, be placed in an alternative program of education, be suspended or expelled, or take another appropriate action against the pupil. The committee must be made up of the principal or his or her designee and two teachers who are elected by the faculty at that school.

Questions & Answers

about the Student Discipline Bill



Isn't this bill just an opportunity for teachers to not have to discipline students themselves?

NO—The original version of the bill was silent on the issue of progressive discipline, but we amended it to specifically include progressive discipline. Teachers will have to utilize appropriate discipline measures, but once they have reached the point where the student is still disrupting the class, they will be able to say, “enough is enough.”



What if we already have a progressive discipline plan at our school?

AB 521 requires that the plan **must**:

1. Be developed with the input and participation of teachers and parents.
2. Be consistent with the written rules of behavior prescribed in NRS 392.463.
3. Include provisions designed to address the specific disciplinary needs and concerns of the school.
4. Provide for the temporary removal of a pupil from a classroom in accordance with section 4 of AB 521.

NSEA believes that, at a minimum, all progressive discipline plans should be reviewed and rewritten to bring them into compliance with the requirements listed above.



What if my school doesn't have an “alternative placement” available?

Not all schools do. Those that don't and are not part of the pilot program will be limited in their options for dealing with students. If, after the parent conference, the teacher insists that she or he does not

want the student back in the classroom, the committee will have to make a determination about the placement of the student that does not include the alternative setting. Just because your school doesn't have an “alternative placement” available does not mean the other provisions of the bill don't apply.



What if the parents of the student refuse to come in for the conference?

The bill establishes notification and due process procedures for the parent or guardian of the pupil. A parent may request that a conference be postponed if they cannot attend within the required three days. If the parent refuses to respond to notification of the conference or refuses to attend, they will have waived their right to a conference, and the principal will make a recommendation about the placement of the student.



When does this law go into effect?

It already has! The bill was signed into law by Governor Guinn on June 9, 1999, and became effective on July 1, 1999.



What if my principal doesn't know about the bill?

Share a copy of the bill with your principal. Copies are available by calling NSEA at **1-800-232-6732 ext. 12** or by accessing it off the legislature's website at **www.leg.state.nv.us**. Your knowledge about the bill can help your principal get up to speed.

AB 521 THE NEW STUDENT DISCIPLINE LAW

.....Is your school in compliance?

AB 521, the new student discipline law sponsored by the **Nevada State Education Association**, has been on the books now since July of 1999. The law gives *teachers* the authority to remove disruptive students from their classrooms.

NSEA has had many inquiries from members all over the state about the new law and what should be happening at their school. And they have asked what they can do if nothing is happening!

The following information and guidelines are being sent to all NSEA members to help ensure that the law is being followed and our members can take advantage of the provisions of the law.

Special Education Students

AB 521 does apply to special education students as long as the action to remove the pupil complies with all federal laws and regulations and district policies relating to children with disabilities.

Progressive Discipline Plan

The law does not give strict timelines but says that the **principal** of every school **must establish a plan for progressive discipline of students with the input and participation of teachers and parents**. The plan must provide for the temporary removal of a pupil from the classroom according to AB 521.

Some school districts have provided principals with boilerplate language for a plan to be finalized at the school. Some districts have established deadlines by which the plan is to be finalized.

If nothing is happening in your school:

- ◆ Ask your principal when the meeting will be held to get input from teachers and parents.
- ◆ Check with local association leaders or staff to see if a deadline has been established for the completion of the plan.
- ◆ Review AB 521 with your principal to be sure he/she knows about it. (You can get a copy off the legislature's web site at www.leg.state.nv.us, or call NSEA at 1-800-232-6732, ext. 12.)

Placement Review Committee

- 1 AB 521 requires the establishment of a committee at each school called the Placement Review Committee.
- 2 The committee is comprised of the principal or his designee and two teachers selected by a majority of the teachers who are at the school.
- 3 After the parent conference has been held, and if the principal recommends that the pupil be returned to the classroom, and if the **teacher disagrees with that recommendation**, the committee will meet to review the circumstances of the pupil's removal from the classroom and assess the best placement for the student.

If there is no committee at your school:

- ◆ Organize a meeting of the teachers and hold an election for the two teacher members. One alternate should also be chosen.
- ◆ If a meeting isn't plausible, send out a request for nominations and then send out ballots allowing everyone to vote.
- ◆ Have the chosen committee members meet with the principal to inform him or her that the committee stands ready to meet when needed.



Disruptive Student ...

How does AB521 work?

1

A teacher has had problems with a student who is constantly disrupting her class. She has followed the progressive discipline plan for her school and nothing has worked. The teacher then makes the decision to invoke AB 521.

2

The teacher removes the pupil from her class and immediately notifies the principal that this is an AB 521 referral.

3

The principal must provide an explanation to the pupil for the pupil's removal and offer the pupil an opportunity to respond.

4

The principal must notify the parents about the pupil's removal within 24 hours.

5

The pupil is assigned to a **temporary** alternative placement in which he or she is:

- **separated** from other students,
- **studies** under the supervision of appropriate personnel of the district,
- **prohibited** from engaging in any extracurricular activities.

6

A conference must be held within three school days with the:

- Pupil,
- Parents or Guardians,
- Teacher,
- Principal.

7

After the conference, the principal will recommend whether to return the student to the classroom or continue the temporary placement.

8

If the recommendation is to return the student to the classroom **AND THE TEACHER DISAGREES**, the principal will call a meeting of the Placement Review Committee and inform the parents that the committee will be meeting to discuss the pupil's placement.

9

The committee must review the circumstances of the pupil's removal and assess the best placement. The committee has five options:

1. Put the pupil back in the teacher's class.
2. Assign the pupil to another appropriate class.
3. Assign the pupil to an alternative program of education if available.
4. Recommend suspension or expulsion.
5. Take **ANY** other appropriate disciplinary action against the pupil **that the committee deems necessary**.